Meeting of States Parties

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Conditions of service and compensation for members of the International Tribunal for the Law of the Sea

Adjustment of the remuneration of members of the International Tribunal for the Law of the Sea

Prepared by the Tribunal

1. The level of remuneration of the members of the International Tribunal for the Law of the Sea (hereinafter "the Tribunal") was established by the fourth Meeting of States Parties in 1996. The maximum annual remuneration of members of the Tribunal was fixed at $145,000 United States dollars, based on the comparator, which was the emoluments of members of the International Court of Justice (hereinafter "the Court"). In this regard, the Meeting of States Parties decided to maintain equivalence with the remuneration levels of judges of the International Court of Justice.[1]

2. The emoluments of members of the Court have been reviewed by the General Assembly periodically since 1976. On 18 December 1998, the Assembly, in its resolution 53/214, set the annual salary of members of the Court at $160,000. In May 1995, the ninth Meeting of States Parties approved $160,000 as the maximum annual remuneration of the members of the Tribunal.[2] The most recent review of the emoluments of members of the Court took place at the fifty-ninth session of the Assembly, in accordance with paragraph 2 of Assembly resolution 56/285 of 27 June 2002.

3. The Secretary-General, in his report to the General Assembly[3] recommended that the emoluments of members of the Court be increased to $177,000, taking into account the weakening of the United States dollar vis-à-vis the euro, the rise in the living costs and the increase in the salary of staff at the Under-Secretaries-General level. After consideration of the report of the Secretary-General, the Advisory Committee on Budgetary and Administrative Questions recommended that, taking

[1] SPLOS/WP.3/Rev.1, para. 17.
[2] SPLOS/44, para. 3.
[3] A/C.5/59/2 and Corr.1, para. 88.

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into account the last salary revision of the emoluments of the members of the Court in 1999, the loss in real value indicated in the report of the Secretary-General, and the increase in the base salaries of staff at the Under-Secretary-General level, the annual salary of the members of the Court be set at $177,000 effective 1 January 2005.[4]

4. The Fifth Committee of the General Assembly considered the report of the Secretary-General and the related report of the Advisory Committee during the resumed fifty-ninth session of the Assembly in March 2005. On 1 April 2005, the Fifth Committee adopted a draft resolution on the conditions of service and compensation for members of the Court and the judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda (A/C.5/59/L.36).

5. The General Assembly adopted resolution 59/282, entitled "Special subjects relating to the programme budget for the biennium 2004-2005", without a vote on 13 April 2005. In resolution 59/282, the Assembly decided to increase the annual salary of members of the Court by 6.3 per cent,[5] setting it at $170,080, effective 1 January 2005.

6. At its nineteenth session, the Tribunal requested the Meeting of States Parties to consider an adjustment to the maximum annual remuneration of the members of the Tribunal to reflect the revision in the emoluments of members of the Court as decided by the General Assembly. The Meeting of States Parties is also invited to make the adjustment effective from 1 January 2005. In this regard, a draft decision on adjustment of the remuneration of members of the Tribunal is attached as annex IV to the present report.

7. The Meeting of States Parties, at its fourteenth Meeting, by its decision of 23 June 2004, approved the budget of the Tribunal for the biennium 2005-2006, totalling 15,506,500 euros (€) including an amount of €2,093,200 as case-related costs, together with the staffing table for the Registry in 2005-2006.[6]

8. The appropriation included an amount of €2,617,200 as remuneration for members of the Tribunal in 2005-2006, comprising annual and special allowances and an amount of €1,295,500 as remuneration for members of the Tribunal and ad hoc judges under case-related costs. The allowances were computed on the basis of the maximum annual remuneration of $160,000, the comparator remuneration figure since 1 January 2000.

9. Should the Meeting of States Parties approve an adjustment of the maximum remuneration of the members of the Tribunal to the level of the emoluments of the members of the Court fixed in General Assembly resolution 59/282, effective 1 January 2005, additional appropriations would be required to cover the increases in annual and special allowances for members of the Tribunal and for ad hoc judges for the period from January 2005 to December 2006. The increase will be €200 (see annexes I and II).

10. Should the annual remuneration of the members of the Tribunal be increased as envisaged in paragraph 9 above, effective 1 January 2005, pensions in payment

[4] A/59/557, para. 6.

[5] General Assembly resolution 59/282, sect. III, para. 4.

[6] SPLOS/117, paras. 1 and 2.

for two former judges and two widows of the deceased judges would also be increased by the same percentage in accordance with article 7, paragraph 2,[7] of the Pension scheme regulations for members of the International Tribunal for the Law of the Sea, which were approved by the ninth Meeting of States Parties in May 1999. This would require an additional pension appropriation of €6,500 for the period from January 2005 to December 2006 on the basis of the United States dollar/euro exchange rate of 0.757 fixed by the United Nations for March 2005 (see annex III).

11. The daily subsistence allowance is one of the three elements of the remuneration of members of the Tribunal. The daily subsistence allowance rate is fixed on a monthly basis by the United Nations. The rate for Hamburg was $262 or €211 in March 2004 when the budget proposals for 2005-2006 were prepared. The rate for Hamburg was raised in July 2004 to $284 or €233 and stands at $308 or €233 for March 2005. Based on this new rate, an additional appropriation amounting to €108,800 would be required to cover subsistence allowance for the members of the Tribunal and ad hoc judges during the financial period 2005-2006.

12. The increases referred to in paragraphs 9 to 11 totalling €115,500 are additional to the appropriations approved in the budget of the Tribunal for the biennium 2005-2006. For this purpose, the Tribunal proposes that the Meeting of States Parties authorize the Tribunal to finance additional appropriations referred to in paragraphs 9 to 11 above by transfers between appropriation sections as far as possible and by using part of the savings of $500,000 from the financial period 2002[8] up to the amount of €115,500. The $500,000 savings from the financial year 2002 amounts to €378,500 on the basis of the United States dollar/euro rate of 0.757 fixed by the United Nations for March 2005.[9]

[7] Paragraph 2 of the pension scheme regulations reads as follows: "Pensions in payment shall be automatically revised by the same percentage and on the same date as salary adjustments".

[8] See SPLOS/119 and Corr.1, para. 37.

[9] This would leave an amount of €263,000 from the savings relating to the financial period 2002.

Annex I

Judges of the International Tribunal for the Law of the Sea: judicial work not related to cases (2005/06)

		Revised (United States dollars)	*Revised[a] (Euros)*	*Approved appropriation[b] (Euros)*	*Increase (Euros)*
1. Annual allowance	170 080/3 x 20	1 133 867	858 337	857 600	737
2. Special allowance (20 days/based on 220 working days per annum)	170 080/3/220 x 20 x 20	103 079	78 031	77 964	67
3. Subsistence allowance (28 days)	308 x 1.4 x 28 x 20	241 472	182 794	165 148	17 646
4. Special allowance for preparatory work (10 days/based on 220 working days per annum), to be authorized by the President	170 080/3/220 x 20 x 10	51 539	39 015	38 982	33
5. Subsistence allowance for preparatory work (7 days for 10 Judges), to be authorized by the President	308 x 1.4 x 7 x 10	30 184	22 849	20 644	2 205
6. President's annual allowance	170 080	170 080	128 751	128 640	111
7. President's special allowance	15 000	15 000	11 355	12 060	-705
8. Vice-President's special allowances		9 400	7 116	7 558	-442
Total		**1 754 621**	**1 328 248**	**1 308 596**	**19 652**
Total in euros (rounded)			**1 328 200**	**1 308 600**	**19 700**
Total for the biennium in euros (rounded)			**2 656 400**	**2 617 200**	**39 400**
Annual allowances (President and other Judges) total (items 1, 6-8) in euros			1 005 559	1 005 858	-299
Special allowances (including daily subsistence allowance) total (items 2-5) in euros			322 689	302 738	19 951

Note: Daily subsistence allowance rate for Hamburg was raised from €211 ($262) in March 2004 to €233 ($308) in March 2005.
Daily subsistence allowance rate in United States $, 308 (plus 40% for judges).
Daily subsistence allowance rate in euros, 233 (plus 40% for judges).

[a] Based on the United Nations exchange rate for March 2004, 0.804.
[b] Based on the United Nations exchange rate for March 2005, 0.757.

Annex II

Judges of the International Tribunal of the Law of the Sea: judicial work related to cases (2005/06)

		Revised (United States dollars)	*Revised[a] (Euros)*	*Approved appropriation[b] (Euros)*	*Increase (Euros)*
1. Special allowance (42 days/based on 220 working days per annum)[c]	170 080/3/220 x 42 x 20	216 465	163 864	163 724	140
2. Subsistence allowance (44 days)[d]	308 x 1.4 x 44 x 20	379 456	287 248	259 518	27 730
3. Special allowance for preparatory work, to be authorized by the President (35 days/based on 220 working days per annum)[e]	170 080/3/220 x 35 x 20	180 388	136 554	136 436	118
4. Subsistence allowance for preparatory work, to be authorized by the President (17.5 days for 10 judges)[f]	308 x 1.4 x 17.5 x 10	75 460	57 123	51 609	5 514
5. Compensation for two ad hoc judges[g]					
Annual allowance	38.5 x 170 080/3/365 x 2	11 960	9 054	9 046	8
Special allowance	38.5 x 170 080/3/220 x 2	19 843	15 021	15 008	13
Subsistence allowance	21 x 308 x 1.4 x 2	18 110	13 709	12 386	1 323
Total		**901 682**	**682 573**	**647 727**	**34 846**
Total in euros (rounded)			**682 600**	**647 700**	**34 800**
Total for the biennium in euros (rounded)			**1 365 200**	**1 295 400**	**69 600**

[a] Based on the United Nations exchange rate for March 2005, 0.757.
[b] Based on the United Nations exchange rate for March 2004, 0.804.
[c] 6 weeks based on 7 days.
[d] 6 weeks based on 7 days plus travel days.
[e] 5 weeks based on 7 days (based on ratio determined by the MoSP).
[f] 2.5 weeks based on 7 days.
[g] Includes 38.5 days of annual allowance, 21 days of special allowance, 17.5 days of special allowance for preparatory work, 21 days of subsistence allowance per ad hoc judge.

Note: Daily subsistence allowance rate for Hamburg was raised from €211 ($262) in March 2004 to €233 ($308) in March 2005.
Daily subsistence allowance rate in United States dollars, 308 (plus 40% for judges).
Daily subsistence allowance rate in euros, 233 (plus 40% for judges).

Annex III

Pensions payments in United States dollars

Current monthly payment	*Adjusted monthly payment*	*Monthly increase*	*Increase for the period from January 2005 to December 2006*
5 647	6 003	356	8 544 (€6 468[a])

[a] On the basis of the United States dollar/euro exchange rate of 0.757 fixed by the United Nations for March 2005.

Annex IV

Draft decision on adjustment of the remuneration of members of the International Tribunal for the Law of the Sea

1. With regard to the level of remuneration of the members of the International Tribunal for the Law of the Sea ("the Tribunal"), the fourth Meeting of States Parties decided to maintain equivalence with the remuneration levels of judges of the International Court of Justice.[1]

2. The General Assembly, in its resolution 59/282, set the annual salary of the judges of the International Court of Justice at $170,080 United States dollars effective 1 January 2005. In the light of that decision, at its nineteenth session, the Tribunal requested the Meeting of States Parties "to consider an adjustment to the maximum annual remuneration of the members of the Tribunal to reflect the revision in the emoluments of members of the Court".[2]

3. After considering the request of the Tribunal and taking note of the budgetary implications as set out in the report prepared by the Tribunal on this subject,[3] the Meeting of States Parties decides to approve an adjustment of the maximum annual remuneration of the members of the Tribunal to the level of the emoluments of the members of the International Court of Justice established in General Assembly resolution 59/282, that is, $170,080 United States dollars, effective 1 January 2005, as well as an adjustment of pensions in payment in accordance with article 7, paragraph 2, of the pension regulations for members of the International Tribunal for the Law of the Sea, effective 1 January 2005.

4. In the event that the Tribunal is unable to meet expenditures for 2005-2006 from approved appropriations made in the budget line "Special allowances of judges" under part I, the Meeting of States Parties authorizes the Registrar to incur expenditures to the extent that the shortfall in appropriation results from an increase in daily subsistence allowance as fixed by the United Nations.

5. The Meeting of States Parties authorizes the Tribunal to finance overexpenditures referred to in paragraphs 3 and 4 above by transfers between appropriation sections as far as possible and by using part of the savings of $500,000 United States dollars from the financial period 2002, up to an amount of €115,500 euros.

6. The Meeting of States Parties further decides that the Registrar shall report to the sixteenth Meeting of States Parties on any action taken pursuant to paragraph 5 above.

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[1] See SPLOS/WP.3/Rev.1, para. 17.

[2] See SPLOS/2005/WP.1, para. 6.

[3] Ibid., para. 12.